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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/899,270	07/06/2001	Edward M. Maslowski	43795-00307	3916
75	90 07/03/2003			
Thomas R. Boland Vorys, Sater, Seymour and Pease Suite 1111			EXAMINER	
			ELOSHWAY, NIKI MARINA	
1828 L Street, NW Washington, DC 20006-5104			ART UNIT	PAPER NUMBER
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			DATE MAILED: 07/03/2003	11

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edamoinor of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be limely filed Edamoinor of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be limely filed If the period for reply searched above, the maximum called propried within the studency prior and studency period of reply replaced for reply reported for reply reported for reply vell. by advanced by the More discriber the mailing date of this communication, even if strongly limit the studency period of reply vell. by advanced by the Office in the filed maining date of this communication, even if strongly filed on 16 May 2003 Falsure replaced them aliquitated. See 37 CFR 1.74(b). Status 1) Responsive to communication(s) filed on 16 May 2003 2a) This action is FINAL. 2b) This action is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-4 is/are pending in the application. 4a) Of the above claim(s) is a very state of the properties of the state of th			ĆW					
Examiner Niki M. Eloshway - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time newly available under the positions of 37 CFR 1.136(a). In no evert, however, may a reply be timely filled - If No period for reply specified above, the maritum statistically period will apply and will apply and will septy as will be considered timely. - If No period for reply a specified above, the maritum statistically period will apply and will appl		Application No.	Applicant(s)					
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- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Edamentor of time may be available under the procrisions of 3 CRR 1.18(a). In no event, however, may a reply be timely filed If the period for reply specified above is less than thinty (30) stays, as reply within the situation y minimum of thinty (30) stays will be considered timely. If the period for reply specified above is less than thinty (30) stays, as reply within the situation y minimum of thinty (30) stays will be considered interest. If the period for reply specified above, he maximum statutory period will sept and 1 will only 100 (MONTHS from the malling date of this communication. If the period for reply specified above, he maximum statutory period will sept and will sept as (MONTHS from the malling date of this communication. If the period for reply specified above, he maximum statutory period will sept and will reply show the section above and section section. Finally within the section is Final. Zept This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queryle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 (2) Claim(s) 1-4 is/are pending in the application. 4 (3) Of the above claim(s) is/are withdrawn from consideration. 5 (2) Claim(s) is/are objected to. 3 (2) Claim(s) is/are objected to. 3 (2) Claim(s) is/are objected to. 3 (2) Claim(s)	Office Action Summary	Examiner						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Edurations of times may be available under the procedures of 37 CFR 1.35(a). In no avent, however, may a reply be timely filed - Eduration of times may be available under the procedures of 37 CFR 1.35(b). In no avent, however, may a reply be timely filed - Eduration of times may be available under the procedures of 37 CFR 1.35(b). In no avent, however, may a reply be timely filed - Eduration of the procedure of	The MAN INC DATE of this communication and	, , , ,						
THE MAILING DATE OF THIS COMMUNICATION. Extensions of ime may be available under the provides of 37 CFR 1.38(a). In no event, however, may a reply be timely filed after SX (6) MONTRS from the mailing date of this communication. It No period for reply is specified above, the maximum addition priod and payed and list gards (6) MONTRS from the mailing date of this communication. Fallave to reply within the set or sedended period for reply will. by datable, cause the application to become ARANDONED (35 U.S.C.§ 133). Any reply received by the Michie let than these membra labeling paid and list gards (6) MONTRS from the mailing date of this communication, even if furney filed, may reduce any Any reduce any Status. 1) Responsive to communication(s) filed on 16 May 2003. 2a) This action is FINAL. 2b) This action is FINAL. 2b) This action is replaced in the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-4 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 1-4 is/are allowed. 6) Claim(s) 1-4 is/are and powed. 6) Claim(s) 1-4 is/are and powed. 7) Claim(s) is/are allowed. 8) Claim(s) 1-4 is/are repected to extract the properties of the priority documents have been received in Application No. 11) The proposed corrected drawings are required in reply to this Office action. 12) Acknowledgment is made of a claim for domestic priority under 35 U.S.C.	Period for Reply	ears on the cover sheet with the c	orrespondence address					
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 16, 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Maihofer (U.S. 5,823,340). Maihofer teaches a reusable plastic drum (see col. 8 lines 4-6), having a plastic drum body 1, a lid 2 (see lines 5-8 of the Abstract) and a lockband 3. The drum body 1 has a convex upper chime shown at lead line 5a in figure 8. The lid 16 has a channel formed by inner wall 13, outer wall 22 and the base at lead line 2a in figure 8. The lid flange is element 16 and the drum body flange is element 17. The auxiliary gasket is element 20

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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- 5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maihofer in view of Cramer et al. (U.S. 5,573,118). Maihofer discloses the claimed invention except for the drum body and lid being made of polypropylene. Cramer et al. teach that it is known to provide a drum body and lid made of polypropylene (see col. 4 lines 26-31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the drum of Maihofer with the drum body and lid being made of polypropylene, as taught by Cramer et al., in order to give the drum the strength and rigidity characteristic of polypropylene.
- 6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maihofer. Maihofer discloses the claimed invention except for the width of the chime being 0.190 inch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the drum of Maihofer with the chime having a width of 0.190 inch, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Conclusion

- 7. THIS ACTION IS MADE NON-FINAL.
- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is cited for the direct engagement between the chime and lid.
- 9. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703)305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify the examiner and art unit at the top

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of your cover sheet. Papers submitted via FAX into group 3720 will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is (703) 308-1606. The examiner is in the office on Tuesdays and Fridays. Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Customer Service Office at (703) 306-5648.

Niki M. Eloshway/nme

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Patent Examiner June 29, 2003